

ORDINANCE NO. 5

AN ORDINANCE ADOPTING A COMPREHENSIVE PLAN FOR THE ZONING OF THE CITY OF PORT ST. JOE FOR THE PURPOSE OF REGULATING AND RESTRICTING THE LOCATION AND USE OF BUILDINGS, STRUCTURES, LAND AND WATER FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSE; TO REGULATE AND RESTRICT THE ERECTION, CONSTRUCTION, RECONSTRUCTION OR ALTERATION OF BUILDINGS; TO REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF ALL BUILDINGS AND STRUCTURES, AND THE SIZE OF ALL YARDS AND OTHER OPEN SPACES SURROUNDING BUILDINGS; TO REGULATE AND RESTRICT THE DENSITY OF POPULATION, AND FOR ALL SAID PURPOSES TO DIVIDE THE CITY INTO DISTRICTS OF SUCH NUMBER, SIZE AND AREAS AS MAY BE BEST SUITED TO CARRY OUT THESE REGULATIONS; TO PRESCRIBE PENALTIES FOR THE VIOLATIONS OF ITS PROVISIONS; TO PROVIDE FOR CHANGES AND AMENDMENTS; TO PROVIDE FOR ITS ENFORCEMENT; TO PROVIDE FOR A BOARD OF ADJUSTMENT AND TO PRESCRIBE THEIR POWERS AND DUTIES; AND REPEALING ALL ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, By the provisions of Chapter 176, Florida Statutes, 1961, and the Charter of the City of Port St. Joe, the City Commission of the City of Port St. Joe is authorized to establish districts or zones within its corporate limits for the purpose of regulating the use of land and buildings, the height of buildings, the size of open spaces, spaces surrounding buildings, and the density of population; and

WHEREAS, The City Commission of the City of Port St. Joe deems it necessary in order to lessen congestion in the streets, to secure safety from fire, panic and other dangers; to promote the health and general welfare; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provisions of transportation, water, sewerage, schools, parks and other public requirements; to make and promulgate such regulations with reasonable consideration among other things, to the character of the district and its peculiar suitability for particular uses and to conserve and stabilize property values and encourage the most appropriate use of land throughout said City, in accordance with a comprehensive plan;

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT ST. JOE:

SECTION 1. DEFINITIONS.

For the purpose of this ordinance, certain terms and words are defined as follows:

All words used in the present tense shall include the future tense; all words in the singular number shall include the plural number, and all words in the plural number shall include the singular number unless the natural construction of the wording indicates otherwise; the word "structure" shall include the word "building", the word "lot" shall include the words "plot" and "tract" and the word "Shall" is mandatory.

ACCESSORY STRUCTURE. A building the use of which is incidental to that of the main building and located on the same lot or parcel of land.

ACCESSORY USE. A use incidental and subordinate to the principal use or building and located on the same lot or parcel of land with such principal use or building.

ALLEY. A roadway which affords only a secondary means of access to abutting property and not intended for general traffic circulation.

APARTMENT HOUSE. A building or structure arranged, intended or designed to be occupied as the dwelling place of three or more families living independently of each other (See Dwelling, Multiple).

AUTOMOBILE COURT (MOTEL). A group of attached or detached buildings containing individual sleeping units, designed for or used temporarily by automobile tourists or transients with parking space conveniently located to each unit, including auto courts, motels or motor lodges.

BOARDING HOUSE. Any dwelling in which two or more persons either individually or as families are housed or lodged for hire, with or without meals.

BASEMENT. A story partly underground but having more than one-half ($\frac{1}{2}$) its clear height below the mean grade.

BUILDING. Any structure having a roof supported by columns or walls.

BUILDING, HEIGHT OF. The vertical distance measured from the average finish grade elevation to the highest point of the roof.

COURT. An open unoccupied space, other than a yard, on the same lot with a building and bounded on two or more sides by such building.

DWELLING, SINGLE FAMILY. A detached building designed for, or occupied exclusively by one family as a housekeeping unit.

DWELLING, TWO FAMILY (DUPLEX). A detached building designed for or occupied exclusively by two families only living independently of each other.

DWELLING, MULTIPLE. A building or portion thereof designed for occupancy by three or more families living independently of each other (see apartment).

EFFICIENCY APARTMENT. A dwelling unit consisting principally of one room and alcoves, equipped with kitchenette and bath, and having an aggregate floor area of not less than 336 square feet, designed and intended to be used as the temporary abode of transients and seasonal occupants.

FAMILY. Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding house, lodging house or hotel, as herein defined.

FILLING STATION. Any building or premises used for the dispensing, sale, or offering for sale at retail of any automobile fuels or oils. When the dispensing, sale or offering for sale is incidental to the conduct of a mechanical garage, the premises are classified as a mechanical garage and if incidental to the conduct of a public garage, the premises are classified as a public garage.

FRONTAGE. All the property abutting on one (1) side of a street between two (2) intersecting streets, measured along the street line.

GARAGE, PRIVATE. A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles of the occupants of the premises.

GARAGE, PUBLIC. A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, housing, selling or storing motor driven vehicles.

GARAGE, STORAGE. Any building or premises, other than a private or public garage, used exclusively for the parking or storage of motor vehicles.

GRADE. (a) For buildings adjoining one street only the elevation of the sidewalk at the center of the wall adjoining the street.

(b) For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining streets.

(c) For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

HOME OCCUPATION. Any occupation in connection with which there is kept no stock in trade nor commodity sold upon the premises, no person employed other than a member of the immediate family residing upon the premises and no mechanical equipment used except such as is necessary for the particular occupation authorized; limited, however, to such equipment, the operation of which does not create any noises or sound that will affect the occupants of the adjoining property; and in connection with which there is used no sign or display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling. Funeral parlors and mortuary establishments shall not be deemed to be home occupations.

HOTEL. A building or other structure kept, used, maintained, advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transient or permanent guest or tenants, in which ten or more rooms are furnished for the accommodation of such guests; and having or not having one or more dining rooms, restaurants or cafes where meals or lunches are served to transient or permanent guests, such sleeping accommodations and dining rooms, restaurants or cafes, if existing, being conducted in the same building or buildings in connection therewith.

LOADING SPACE. A space on the lot or parcel of land accessible to an alley or street not less than ten (10) feet in width, twenty (20) feet in depth and ten (10) feet in height.

LODGING (ROOMING) HOUSE. Any house, or other structure, or any place or location kept, used, maintained, advertised or held out to the public to be a place where living quarters, sleeping or housekeeping accommodations are supplied for pay to transient or permanent guests or tenants.

LOT. A parcel of land occupied or intended for occupancy by one main building together with its accessory buildings; including the open spaces and parking spaces required by this ordinance. For the purpose of this ordinance the word "lot" shall be taken to mean any number of contiguous lots or portions thereof, upon which one or more main structures for a single use are to be erected.

LOT, CORNER. A lot abutting upon two (2) or more streets at their intersection.

LOT OF RECORD. A lot which is a part of a subdivision, the map of which has been recorded in the Public Records.

LOT DEPTH. The depth of a lot is the distance measured in the mean direction of the side lines of the lot from the midpoint of the front lot line to the midpoint of the opposite main rear line of the lot.

LOT, INTERIOR. A lot other than a corner lot.

LOT, LINES. The lines bounding a lot.

LOT, DOUBLE FRONTAGE. A lot having a frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

NON-CONFORMING USE. Any building or land lawfully occupied by a use that at the time of the passage of this ordinance or amendments thereto, does not conform after the passage of this ordinance or amendments thereto with the use regulations of the district in which it is situated.

PARKING SPACE. A surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of an automobile.

STORY. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. In computing the height of a building, the height of basement or cellar shall not be included if below grade.

STORY, HALF. A story under a gabled, hipped or gambrel roof the wall plates of which on at least two (2) opposite exterior walls are not more than three (3) feet above the finished floor of such story.

STREET. A public thoroughfare which affords principal means of access to abutting property.

STREET LINE. A dividing line between a lot, tract or parcel of land and a contiguous street.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the land, or attached to something having a permanent location on the land.

STRUCTURAL ALTERATIONS. Any change in the supporting members of a building, such as bearing walls, bearing partitions, columns, beams or girders, or any complete rebuilding of the roof or the exterior walls.

TRAILER. Any structure used for living, sleeping, business or storage purposes, having no foundation other than wheels, blocks, jacks, skids, horses or skirtings, and which has been, or reasonably may be, equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or otherwise. The term "trailer" shall include camp car and house car. For purposes of this ordinance a trailer is a single family dwelling and shall conform to all regulations thereof, except when located in a trailer or tourist camp as provided herein.

TRAILER CAMP. An area containing one or more structures designed or intended to be used as temporary living quarters of two or more families and intended primarily for automobile transients

USED CAR LOT. A lot or group of contiguous lots, used for the storage, display and sales of used automobiles and where not repair work is done except the necessary reconditioning of the cars to be displayed and sold on the premises.

USED CAR JUNK YARD. A lot or group of contiguous lots used for the dismantling or wrecking of used automobiles or the storage, sale or dumping of dismantled or wrecked cars or their parts.

YARD. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

YARD, FRONT. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

YARD, SIDE. A yard between the building and the side line of the lot and extending from the front lot line to the rear lot line.

YARD, REAR. A yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies or unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension. On both corner and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

SECTION 11. DISTRICTS AND BOUNDARIES THEREOF.

In order to regulate and limit the height and size of buildings; to regulate and limit the intensity of the use of lot areas; to regulate and determine the areas of open spaces within and surrounding buildings; to classify, regulate and restrict the location of trades and industries; and the location of buildings designed for specified industrial, business, residential and other uses the City of Port St. Joe, Florida, is hereby divided into districts of which there shall be eight (8) known as:

R-1 A	Single Family District
R-1	Single Family District
R-2 A	Multiple Family District

R-2 Multiple Family District
 C-1 A Commercial District (Restricted Retail)
 C-1 Commercial District (Retail)
 C-2 Commercial District (Light Industrial)
 I Industrial District

The boundaries of the districts are shown upon the map accompanying this ordinance and made a part thereof, and entitled, "Zoning Map of Port St. Joe, Florida, 1963". The Zoning Map and all the notations, references and other information shown thereon are a part of this ordinance and have the same force and effect as if such information set forth on the map were all fully described and set out herein. This Zoning Map properly attested is on file in the office of the City Clerk.

In the creation, by this ordinance of the respective districts, the Commission has given due and careful consideration to the peculiar suitability of each and every such district for the particular regulations applied thereto and the necessary proper and comprehensive groupings and arrangements of the various uses and densities of population in accordance with a well considered plan for the development of the City, until otherwise changed by ordinance as provided herein.

SECTION 111. EXCEPT AS HEREINAFTER PROVIDED.

1. No building shall be erected, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all the district regulations established by this ordinance for the district in which the building or land is located.

2. The minimum yards and other open spaces including the "intensity of use" provisions contained in this ordinance for each and every building hereinafter erected or structurally altered, shall not be encroached upon or considered as yard or open space requirements or "intensity of use" requirements for any other building.

3. In single family zones every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than the principal building and the customary accessory buildings on one lot or parcel of land.

4. Where front yards have been established or may be established on each of the two intersecting streets, there shall be a front yard on each street side of a corner lot; provided, however, that the buildable width of such lot shall not be reduced to less than thirty (30) feet; provided, further, that no accessory building on a corner lot shall project beyond the front yard line on either street.

5. Whenever a dwelling is to be erected in a district other than a residential district, the minimum requirements pertaining to the district in which the proposed type of dwelling is the lowest use permitted shall apply.

6. No trailer park shall be permitted.

The boundaries of such districts as are shown upon the map adopted by this ordinance or amendment thereto, are hereby adopted and approved and the regulations of this ordinance governing the use of land and buildings, the height of buildings, building site areas, the size of yards about buildings and other matters as hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map.

Where uncertainty exists as to boundaries of any district shown on said map, the following rules shall apply:

1. Where such district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries;

2. In subdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by the use of the scale appearing on the original map. Where a district boundary divided a lot, the zone classification of the greater portion shall prevail throughout the lot;

3. In case any further uncertainty exists, the Commission shall interpret the intent of the map as to location of such boundaries;

4. Where any street or alley is hereafter officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of such street or alley added thereto by virtue of such vacation or abandonment;

5. All territory which may hereafter be annexed to the City of Port St. Joe shall immediately be designated an R-1 A District, unless the City Commission shall designate otherwise by ordinance.

SECTION IV. R-1 A SINGLE FAMILY DISTRICT.

A. USES PERMITTED.

1. Single Family dwellings.

2. Public schools, nursery schools and kindergartens, elementary, high and

educational institutions having a curriculum the same as ordinarily given in Public schools and colleges.

3. Churches, provided such structures observe the yard provisions of the district in which they are located, and further provided that any church constructed on a new site shall provide off street parking space upon the lot or on contiguous lots adequate in area to accommodate one (1) car for every ten (10) persons for which seating is provided in the main auditorium of the church exclusive of the seating capacity of Sunday School or other special rooms.

4. Municipally owned or operated parks and playgrounds.

5. Municipally owned or operated hospitals, other than an animal hospital.

6. Public owned and operated libraries, art galleries and museums.

7. Accessory buildings and uses incidental to each single family dwelling and where not used or operated commercially, including private garages for the accommodation of automobiles, stable or shed for the housing of domestic animals, children's playhouse, greenhouse, tool shed, workshop, servants' quarters. Accessory buildings, detached carports and garages shall be not less than five (5) feet from the side and rear lot line, and when located on a corner lot the building line on the street side shall be twenty-five (25) feet from the property line. Accessory living quarters shall be located not less than sixty (60) feet from the front lot line and not less than twenty-five (25) feet from any other street line and fifteen (15) feet from the rear lot line, and not less than fifteen (15) feet from side lines.

B. BUILDING HEIGHT LIMIT.

No building shall exceed thirty-five (35) feet in height except as provided in Section XII hereof.

C. BUILDING SITE AREA REQUIRED.

Every lot shall have an area of not less than ten thousand (10,000) square feet and a minimum frontage at the building line of at least seventy-five (75) feet. If a lot has less area or width than herein required and was of record at the time of the effective date of any ordinance with this requirement, said lot may be occupied by a single family dwelling, provided, however, that the minimum side, front and rear yard requirements as set out in this section are conformed with.

D. FRONT YARD REQUIRED.

There shall be a front yard having a depth of not less than twenty-five (25) feet measured to the front line of the main building. Where lots comprising twenty-five (25) percent or more of the frontage on the same street within the block are developed with buildings having an average yard with a variation in depth of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established, but no more than thirty-five (35) feet shall be required. Where the distance between dwellings on adjacent lots is two hundred (200) feet or more, the above front yard requirement will not apply. Where interior lots have a double frontage, the required front yard shall be provided on both streets.

E. SIDE YARD REQUIRED.

On lots or parcels of land having a width of seventy-five (75) feet, there shall be a side yard on each side of a building of not less than fifteen (15) feet. On lots of record at the time of the effective date of any Ordinance with this requirement having widths of less than seventy-five (75) feet, the side yard on each side of the building shall be no less than ten (10) feet.

F. REAR YARD REQUIRED.

There shall be a rear yard for the main building having a depth of not less than twenty-five (25) feet. On corner lots there shall be a set back of not less than fifteen (15) feet.

G. MINIMUM FLOOR AREA REQUIRED.

The minimum required ground or first floor area, exclusive of porches, terraces, attached garages, carport or unroofed areas, shall be one thousand, two hundred (1,200) square feet for a single story dwelling and eight hundred fifty (850) square feet for two story dwelling.

SECTION V. R-1 SINGLE FAMILY DISTRICT.

A. USES PERMITTED.

1. Any uses permitted in the R-1 A. District.

2. Home occupations such as any occupation or profession carried on by a member of the family residing on the premises, in connection with which there is no name plate exceeding one (1) square foot in area, nor any artificial lighting reflecting on the outside, nor any display that will indicate from the exterior that the building is used in part for any purpose other than that for a dwelling, and in connection with which there is kept no stock in trade nor commodity, and no mechanical equipment is used except such as is customary or necessary for the particular occupation authorized; limited, however, to such equipment, the operation of which does not create any noises or sound that

will affect the occupants of the adjoining property. An office similar to that of a physician, surgeon, dentist, artist or musician is considered a home occupation, provided that such office is incidental to the main use of the building as a dwelling. Customary home occupations, such as millinery, dress making, or hairdressing, are allowable under this provision. No such occupations or professions shall be carried on in an accessory building, however. A funeral parlor or mortuary establishment, however, is not considered a home occupation.

3. The office of a physician separate from a home occupation may be permitted in this district provided the same complies with the other requirements of this district and such office is located within one thousand feet of the existing Municipal Hospital.

B. BUILDING HEIGHT LIMIT.

No building shall exceed thirty-five (35) feet in height, except as provided in Section XII hereof.

C. BUILDING SITE AREA REQUIRED.

Every lot or parcel of land shall have an area of not less than five thousand (5,000) square feet and an average width not less than fifty (50) feet. Where a lot or parcel of land has an area or average width less than the above required minimum and was of record at the time of the effective date of any Ordinance with this requirement, said lot may be occupied by one family, provided, however, that the minimum side, front and rear yard requirements as set out in this section are conformed with.

D. FRONT YARD REQUIRED.

There shall be a front yard of not less than twenty-five (25) feet, measured to the front line of the main building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average yard with a variation in depth of not more than six (6) feet, no buildings hereafter erected or structurally altered shall project beyond the average front yard so established. Where the distance between dwellings on adjacent lots is two hundred (200) feet or more, the next above front yard requirement will not apply. Where interior lots have a double frontage, the required front yard shall be provided on both streets.

E. SIDE YARD REQUIRED.

On lots or parcels of land having a width of fifty (50) feet, there shall be a side yard on each side of a building, having a width of not less than ten (10) feet. On lots of record at the time of the effective date of any Ordinance with this requirement having widths of less than fifty (50) feet, the side yard on each side of the building shall be ~~no~~ less than twenty (20) per cent of the average width of the property.

F. REAR YARD REQUIRED.

There shall be a rear yard of not less than twenty-five (25) feet in depth. On corner lots there shall be a set back of not less than fifteen (15) feet.

G. MINIMUM FLOOR AREA REQUIRED.

The minimum floor area required, exclusive of open patios, terraces, attached garages, carport or unroofed areas, shall be eight hundred (800) square feet. Fifteen (15) per cent of the required floor area may be credited to screened porches.

SECTION VI. R-2 A MULTIPLE DISTRICT.

A. USES PERMITTED.

1. Any use permitted in the R-1 District.
2. Two family dwellings (duplexes).
3. Apartment houses (multiple family dwellings).
4. The office of a physician or surgeon, office and studio of photographer, dressmaker, musician, lawyer, architect or other like professional person, providing there is no display from the street nor advertising except a small professional sign, and providing further that the other requirements of this zone are observed.

B. BUILDING HEIGHT LIMIT.

No building shall exceed thirty-five (35) feet in height, except as provided in Section XII hereof.

C. BUILDING SITE AND FLOOR AREA REQUIRED.

For the following specified uses every lot or parcel of land shall provide a land area for each family unit of at least the amount indicated:

<u>Number of Dwellings</u>	<u>Square foot area of Living Quarters Per Family Unit</u>	<u>Square foot land area required per Family Unit on Ground Floor</u>
One Family	800	6,000
Two Family	650	4,000
Three Family	550	2,500
Four Family	550	2,500
Five Family	550	2,000
Six Family	480	1,400
Seven Family or over	400	1,350

Where a lot has an area less than the above required minimum and was of record at the time of the effective date of any Ordinance with this requirement, said lot may be used provided all set backs and land area requirements of this zone are observed.

In computing the floor space as provided above the areas occupied by porches, patios, terraces, attached garages, carports or non-roofed areas shall be excluded.

D. FRONT YARD REQUIRED.

There shall be a front yard not less than twenty (20) feet deep measured to the front line of the building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average yard with a variation in depth of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established, provided the front yard shall not exceed thirty (30) feet. Where the distance between dwellings on adjacent lots is one hundred fifty (150) feet or more, the next above yard requirements will not apply.

Where interior lots have a double frontage, the required front yard shall be provided on both streets, but no more than thirty (30) per cent of the total depth need be used for front yards.

E. SIDE YARD REQUIRED.

There shall be a side yard on each side of a building having a width of at least ten (10) feet. On lots of record at the time of the effective date of this ordinance having widths of less than fifty (50) feet, the side yard on each side of the building shall be no less than twenty (20) per cent of the average width of the property.

F. REAR YARD REQUIRED.

There shall be a rear yard of not less than twenty (20) feet. On corner lots there shall be a set back of not less than fifteen (15) feet.

SECTION VII. R-2 MULTIPLE FAMILY DISTRICT.

A. USES PERMITTED

1. Any use permitted in the R-1 Multiple Family District.
2. Multiple family dwellings (apartments).
3. Hotels in which business may be conducted for the convenience of the occupants, provided, however, that there shall be no entrance to such place of business except from inside the building.
4. Boarding and lodging houses.
5. Hospitals and clinics, except animal hospital or clinics.
6. Guest houses.
7. Accessory buildings and uses customarily incident to any of the above uses, including private and storage garages when located on the same lot and not involving the conduct of a business.
8. Community Centers and buildings owned by a governmental agency and used for a public purpose.
9. Funeral parlors and mortuary establishments may be permitted in this district provided application is made to the Board of Adjustment or City Commission for the establishment of same, and it shall be determined by the City Commission that such use will not adversely affect the property values of the land adjacent thereto and said Board or City Commission shall find that such use is an appropriate use for the particular plot or parcel of land for which application is made for the establishment thereof.

B. BUILDING HEIGHT LIMIT.

No building hereafter erected or structurally altered shall exceed sixty (60) feet in height except as provided in Section XII hereof.

C. BUILDING SITE AND MINIMUM FLOOR AREA REQUIRED.

For the following specified uses every lot or parcel of land shall provide a land area for each Family Unit of at least the amount indicated.

	<u>Sq. Ft. Area of living quarters per family unit.</u>	<u>Sq. Ft. land area required per family unit on Ground Floor.</u>
One Family	650	5,000
Two Family	550	2,500
Three Family	480	2,000
Four Family	480	2,000
Five to Eight Family	480	1,400
Nine to Twelve Family	400	1,300
Hotel rooms to comply with State Hotel Commission Rules and Regulations.		

Where a lot has an area less than the above required minimum and was of record at the time of the passage of this ordinance, said lot may be used, provided all set backs and area requirements of this zone are observed.

D. FRONT YARD REQUIRED.

There shall be a front yard having a depth of not less than fifteen (15) feet measured to the front of the building. Where lots comprising twenty-five (25) per cent or more of the frontage on the same street within the block are developed with buildings having an average yard with a variation in depth of not more than six (6) feet, no building hereafter erected or structurally altered shall project beyond the average front yard so established. Where the distance between dwellings on adjacent lots is one hundred (100) feet or more, the next above front yard requirement will not apply. Where interior lots have a double frontage, the required front yard shall be provided on both streets.

E. SIDE YARD REQUIRED.

There shall be a side yard on each side of a building having a width of at least ten (10) feet. On lots of record at the time of the effective date of this ordinance having widths of less than fifty (50) feet, the side yard on each side of the building shall be no less than twenty (20) per cent of the average width of the property.

F. REAR YARD REQUIRED.

There shall be a rear yard not less than fifteen (15) feet in depth. On corner lots there shall be a set back of not less than fifteen (15) feet.

SECTION VIII. C-1 A COMMERCIAL DISTRICT (RESTRICTED RETAIL).

A. USES PERMITTED.

1. Uses permitted in the District shall be limited exclusively to retail stores, personal service establishments or businesses, professional offices, banks, savings and loan associations, barber shops or beauty parlors, catering establishments, laundry and cleaning pickup stations, electric appliance shops, florist shops, photographers' studios, real estate offices, parking garages and/or lots, department stores and drug stores.

2. Automobile Courts (motels).

3. Restaurants that provide inside table and counter service only.

4. Hotels.

Industrial establishments and establishments using mechanical equipment to produce a product, funeral homes, commercial amusements other than movie theaters, mechanical garages, junk dealers, automobile wrecking, automobile filling stations, mechanical garages, or any business where the materials sold are not housed within a building, are specifically prohibited from this district.

B. BUILDING HEIGHT LIMIT.

No building hereafter erected or structurally altered shall exceed sixty (60) feet in height.

C. FLOOR AREA REQUIRED.

Hotels, auto courts, motels and restaurants shall be subject to all the rules of the State Hotel Commission.

D. BUILDING SITE AREA REQUIRED.

No minimum requirements except that in no case shall the site have less than eighteen (18) feet frontage on the street.

E. FRONT YARD REQUIRED.

None.

F. SIDE YARD REQUIRED.

No side yard required for commercial buildings.

G. REAR YARD REQUIRED.

There shall be a rear yard not less than ten (10) feet in depth, measured from the edge of the service alley.

H. TANK REGULATION.

No gasoline tank may be placed above the ground in this zone. Tanks above ground for any other use not to exceed three hundred (300) gallons and shall be set back from front property line at least twenty-five (25) feet.

SECTION IX. C-1 COMMERCIAL DISTRICT (RETAIL).

A. USES PERMITTED.

1. Any use permitted in C-1 A District.
2. Trade service establishments, self-service laundries, shops for the sale and repair of batteries, radios, bicycles, guns, shoes, tires, typewriters, watches and jewelry and other mechanisms, bakeries, painters, paper hangers, plumbers, addressing and mailing, advertising and distributing, multigraphing, printing, and laboratories.
3. Vocational schools, including trade, secretarial, art, professional, music, dancing and dramatic schools.
4. Commercial amusements, games and sports.
5. Funeral Homes.
6. Restaurants, automobile filling and parking stations, automobile sales rooms and used car sales lots.

Industrial establishments, lumber yards, junk dealers, automobile wrecking or any business where materials sold are not housed within a building and not mechanical garages except when operated in conjunction with automobile sales rooms and in the same building, are specifically prohibited from this district.

The requirements as to B, C, D, E, F & G of SECTION VIII shall be applicable in this zone as if they were copied herein verbatim.

SECTION X. C-2 COMMERCIAL DISTRICT (LIGHT INDUSTRIAL).

A. USES PERMITTED.

1. Any use permitted in the C-1 A and C-1 Districts.
2. Any business or establishment of a general retail, wholesale or service type.
3. Light manufacturing or light industrial plant.
4. Lumber, storage yards and mechanical garages.
5. Industries not obnoxious to the community by the emission of odors, dust, smoke, or fumes.
6. Cleaning and dyeing establishments.
7. Small animal hospitals and clinic.
8. Gasoline storage tanks for wholesale or retail distribution.

B. FRONT, SIDE AND REAR YARD REQUIREMENTS.

There shall be no minimum area, front, side and rear yard requirements. Ample and adequate space shall be left around and about each industrial plant or other development to permit ready and easy access of fire fighting apparatus.

SECTION XI. I INDUSTRIAL DISTRICT.

A. USES PERMITTED.

1. Manufacturing plants.

2. Factories.

3. In the I District any building or land, except as otherwise provided in this ordinance, may be used for any use permitted in the C-2 Commercial District or for any other use except a use which possesses an abnormal explosion hazard. Any use which possesses a potential explosion hazard will not be permitted without the written approval of the City Commission of the City of Port St. Joe and such approval shall set forth the conditions under which such use must be observed.

B. FRONT, SIDE AND REAR YARD REQUIREMENTS.

No front, side and rear yard requirements are necessary nor any minimum area requirements.

SECTION XII. HEIGHT AND AREA EXCEPTIONS AND SUPPLEMENTS.

The following requirements or regulations qualify or supplement as the case may be, the district regulations or requirements appearing elsewhere in this ordinance:

(a) Public or semi-public buildings, hospitals, sanitariums, schools and churches or temples, where permitted in a district with height restrictions may be erected to a height not exceeding sixty (60) feet.

(b) Radio, Television and Receiving Antennas may exceed the building height limits of the respective zones provided they otherwise comply with the Ordinances of the City of Port St. Joe. Wireless, Radio or Television Broadcasting towers exceeding the building height limit requires approval by the City Commission.

(c) The side yard requirements for dwellings shall be waived where dwellings are erected above stores or shops.

(d) Every part of a required yard or court shall be open from its lowest point to the sky unobstructed; except for the ordinary projection of sills, belt courses, cornices, buttresses, ornamental features and eaves; provided, however, that none of the above projections shall project into a minimum court more than six (6) inches nor into a minimum side yard more than twenty-four (24) inches. Residential roof overhangs may extend forty-eight (48) inches into side, rear and front yards.

(e) Open or enclosed fire escapes, outside stairways and balconies projecting into a minimum yard or court not more than three and one-half ($3\frac{1}{2}$) feet and the ordinary projections of chimneys and flues may be permitted by the Building Inspector where same are so placed as not to obstruct the light and ventilation.

(f) The Board of Adjustment or City Commission may, upon the application of any owner of any plot or parcel of land, allow an exception to the height limitations when it is shown that such exception is necessary and will not interfere with adequate light and air to the adjoining land owners.

SECTION XIII. OBSTRUCTIONS TO VISION.

In residence districts as herein defined, there shall be no obstructions to vision planted or erected within twenty (20) feet of corner without the approval of the City Commission.

SECTION XIV. NON-CONFORMING USES.

The lawful use of a "building" existing at the time of the passage of this ordinance shall not be affected by this ordinance, although such use does not conform to the provision of this ordinance; and such use may be extended throughout the building, provided no structural alterations, except those required by law or ordinance, or order by an authorized officer to secure the safety of the building, are made therein but no such use shall be extended to occupy any land outside such building. If such non-conforming building is removed or the non-conforming use of such building is discontinued for a continuous period of not less than ninety (90) days, every future use of such premises shall be in conformity with the provisions of this ordinance.

The lawful use of "land" existing at the time of the passage of this ordinance, although such use does not conform to the provisions of this ordinance, shall not be affected by this ordinance; provided, however, that no such non-conforming use shall be enlarged or increased, nor shall any non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the passage of this ordinance. If such non-conforming use is discontinued for a continuous period of not less than sixty (60) days, any future use of said land shall be in conformity with the provisions of this ordinance. Provided, however, that where "land" which is now used for a use excluded from the district in which such "land" is located and such use is not an accessory to the use of a main building located on the same lot or grounds such non-conforming use of "land" shall be discontinued and all material completely removed by its owner not later than one (1) year from the date of the passage of this ordinance.

If no structural alterations are made, a non-conforming use may be changed to a use of the same or higher classification according to the provisions of this ordinance. When a district shall hereafter be changed, any then existing non-conforming use in such changed district may be continued or changed to a use of a similar or higher classification; provided all other regulations governing the new use are complied with. Whenever a non-conforming use of a building has been discontinued or changed to a higher classification or to a conforming use, such use shall not thereafter be changed to a non-conforming use of a lower classification.

Nothing in this ordinance shall be taken to prevent the restoration of a building destroyed to the extent of not more than fifty (50) per cent of its assessed value by fire, explosion or other casualty, or act of God, or the Public enemy, nor the continued occupancy or use of such building or part thereof which existed at the/ of such partial destruction.

time
SECTION XV. BOARD OF ADJUSTMENT.

A Board of Adjustment is hereby established. The word "Board" when used in this ordinance shall be construed to mean the Board of Adjustment.

The Board shall consist of five (5) members appointed by the Commission. In the event the City Commission does not appoint a Board of Adjustment, the City Commission shall act as such Board of Adjustment. The organization and procedure of the Board, its meetings, method of handling appeals and other related matters, shall be in conformity with the provisions of Florida Statutes of 1961, Section 176.

Where there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of this ordinance, appeals to the Board may be taken by any person aggrieved. However, the Board shall not grant exceptions to the provisions of this ordinance for the personal convenience of any individual or in the case of new construction for the purpose of granting any substantial variance to the restrictions of the various zones as herein contained.

The Board shall have the following duties and powers:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the administrative official in the enforcement of the ordinance.
2. To authorize upon appeal in specific cases such variances from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provision of the ordinance will result in unnecessary hardship; and so that the spirit of the ordinance shall be observed and substantial justice done.

In exercising the above mentioned powers, the Board by the concurring vote of four members may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made.

- In considering all proposed variations to this ordinance, the Board shall, before making any finding in a specific case, first determine that the proposed variation will not constitute any change in the districts shown on the zoning map and will not impair an adequate supply of light and air to adjacent property, or materially increase the congestion in public streets, or increase the public danger of fire and safety, or materially diminish or impair established property values within the surrounding area, or in any other respect impair the public health, safety, morals and general welfare of the City of Port St. Joe, Florida.

The procedure for appeals and the proceedings of the Board of Adjustment shall be in accordance with the proceedings for a Board of Adjustment as set forth in Chapter 176, Florida Statutes, 1961.

SECTION XVI. INTERPRETATION, PURPOSE AND CONFLICT.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, morals and general welfare of the community. It is not intended by this ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this ordinance imposes a greater restriction upon the use of buildings or premises, or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules regulations or by easements, covenants or agreements, the provisions of this ordinance shall control.

SECTION XVII. CHANGES AND AMENDMENTS.

The City Commission may from time to time, on its own motion or on petition, amend, supplement, change, modify or repeal by ordinance the boundaries or districts or regulations or restrictions herein established, after public hearing thereon.

SECTION XVIII. VIOLATIONS AND PENALTIES.

Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined Twenty-five Dollars (\$25.00). Each day a violation exists shall constitute a separate offense.

SECTION XIX. VALIDITY.

Should any section, clause or provision of this ordinance be declared by the Court to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

All ordinances or parts of ordinances in conflict herewith or inconsistent with the provisions of this ordinance are hereby repealed.

SECTION XX. EFFECTIVE DATE.

This ordinance shall become effective immediately upon its passage in accordance with the Charter of the City.

/s/ Frank Hannon
Mayor-Commissioner

ATTEST:

J. B. Williams
/s/ J. B. Williams
City Auditor and Clerk

ADOPTED AND PASSED BY UNANIMOUS VOTE OF THE CITY COMMISSIONERS AT
THE REGULAR MEETING OF THE CITY COMMISSION OF THE CITY OF FORT
ST JOE, FLORIDA ON MAY-7-1963